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1654
PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on November 29, 2004.

Steph A. Shuster
Stephen A. Shuster, Reg. No. 43,924

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sharma et al.

Examiner: J. E. Russel

Serial No. 10/049,718

Group Art Unit: 1654

Filed: February 13, 2002

For: Melanocortin Metallopeptide Constructs,
Combinatorial Libraries and Applications

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or by

AMENDMENT AND RESPONSE

Commissioner for Patents
Box Non-Fee Amendment
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated June 28, 2004, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 8 of this paper.

Remarks begin on page 19 of this paper.

12/16/2004 D00000001 134213 10049718

01 FC:2202 126.00 DA

Adjust Date: 07/08/2005 SD/RETAI
12/16/04 D00000001 134213 10049718
01 FC:2202 126.00 CR

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
13 14213	
FEES CODE	VALUE PAID FURNISHED
2202	126
14	

S-31-05

DEP & KER
P. O. M. S.
DIVISION
PATENT

Practitioner's Docket No. 70025-02-US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Shubh D. Sharma et al. 2005 JUN -3 9:30
Application No.: 10 /049,718 Group No.: 1654
Filed: 02/13/2002 Examiner: Jeffrey E. Russel
For: Metanocortin Metallolopeptide Constructs, Combinatorial Libraries
and Applications Issued:
 Patent:

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where request is with respect to a maintenance fee payment also insert application number and filing date and add Mail Stop 16 to address.

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450,
Alexandria, VA 22313-1450

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

NOTE: 37 C.F.R. § 1.26 Refunds.

(a) The Commissioner may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent or trademark filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Commissioner may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.

(b) Any request for refund must be filed within two years from the date the fee was paid, except as otherwise provided in this paragraph or in § 1.26(a). If the Office charges a deposit account by an amount other than an amount specifically indicated in an authorization (§ 1.25(b)), any request for refund based upon such charge must be filed within two years from the date of the deposit account statement indicating such charge, and include a copy of that deposit account statement. The time periods set forth in this paragraph are not extendable.

EXPRESS MAILING UNDER 37 C.F.R. § 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date May 27, 2005, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV6690841651S

Brigitte Snider, Paralegal
(type or print name of person mailing paper)

Signature of person certifying

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.
(Request for Refund (Improper Charge of Credit Card Account) [18-4]—page 1 of 3)

I. REFUND REQUEST

I. REFUND REQUEST
This is a request for a refund, with respect to the charge to Deposit Account
13-4213, shown on the statement dated 12/16/2004, for the
above-identified

application.
 patent.

(check the following, if desired, and supply copy of statement)

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

**AMOUNT OF
REFUND
REQUESTED**

- Basic fee
- Examination fee
- Search fee
- Additional fee for specification and drawings
- Surcharge for filing the basic filing fee on a date later than the filing date of the application

and/or

Surcharge for filing the oath or declaration on a date later than the filing date of the application
(37 C.F.R. § 1.16(e))

- Extension of term
 - first month
 - second month
 - third month
 - fourth month
 - fifth month

\$126.00

Excess claims

Issue fee

Petition fee

Patent maintenance fee

- first maintenance fee
- second maintenance fee
- third maintenance fee

Patent maintenance fee surcharge

Other

\$126.00

TOTAL REFUND REQUESTED

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On December 16, 2004 our PTO deposit account was charged \$126.00 for excess claims. We have reviewed our fee calculation transmittal of March 3, 2005 (copy is enclosed) and believe the charge is not warranted. We request a refund of \$126.00 for the fee charged for excess claims.

IV. MANNER OF REFUND

Please make the refund by

Crediting Deposit Account No. 13-4213
 Crediting applicant's credit card as shown on the attached credit card authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

Sending refund check to applicant
 By electronic funds transfer using the banking information on the payment instrument.

**SIGNATURE OF PRACTITIONER**

Reg. No.: 43,924

Stephen A. Slusher
(type or print name of practitioner)
PEACOCK MYERS & ADAMS, P.C.

Tel. No.: (505) 998-6130

P.O. Box 26927

Customer No.: 005179

P.O. Address

Albuquerque, NM 87125-6927

(Request for Refund (Improper Charge of Credit Card Account) [19-4]—page 3 of 3)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Shubh D. SHARMA et al.

Melanocortin Metallopeptide Constructs, Combinatorial Libraries and Applications

Title: Melanocortin Metallopeptide Constructs, Combinatorial Libraries and Applications
Serial No.: 10/049,718
Docket No.: 70025-02-US02
Filed: February 13, 2002

Group Art Unit: 1654
Examiner: Jeffrey E. Russel

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

A return postcard and this transmittal document.
 An Amendment and Response AFTER FINAL (18 Pages).
 No Fee check
 Inventor Declaration (37 CFR 1.132) (3 pgs.).

If not provided for in a separate paper filed herewith, If the additional fee is required due to changes to the claims, the fee has been calculated as follows:

CLAIMS AS AMENDED						
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Present Extra	Rate	Fee
TOTAL CLAIMS	14	-	50	0	$\times 25.00 =$	\$0.00
INDEPENDENT CLAIMS	1	-	5	0	$\times 100.00 =$	\$0.00
[[MULTIPLE DEPENDENT CLAIMS PRESENTED						\$0.00
TOTAL						\$0.00

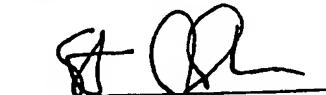
PEACOCK MYERS & ADAMS, P.C.
Customer Number: 005179

By


Stephen A. Slusher
Reg. No. 43,924

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3rd day of March, 2005.

Stephen A. Slusher, Reg. No. 43,924
Name:


Signature



United States
Patent and
Trademark Office

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Deposit Account Statement

Requested Statement Month:

December 2004.

Deposit Account Number:

134213

Name:

PEACOCK MYERS AND ADAMS, P.C.

Attention:

DEBORAH A. PEACOCK

Address:

P. O. BOX 26927

City:

ALBUQUERQUE

State:

NM

Zip:

87125-6927

Country:

UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/01	13	6125298		9204	-\$1,070.00	\$2,648.00
12/01	24	US0425749	70025-9904	8021	\$40.00	\$2,608.00
12/01	490	2206653	70025-9902	7205	\$100.00	\$2,508.00
12/01	491	2206653	70025-9902	7208	\$200.00	\$2,308.00
12/03	160	6135298		1551	\$940.00	\$1,368.00
12/03	161	6135298		1554	\$130.00	\$1,238.00
12/06	31	E-REPLENISHMENT		9203	-\$1,800.00	\$3,038.00
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12/07	154	60617773		8021	\$40.00	\$2,973.00
12/07	633	1866060	41160-9201	7205	\$100.00	\$2,873.00
12/07	634	1866060	41160-9201	7201	\$400.00	\$2,473.00
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12/09	43	11006079	31128-US-116	2201	\$9.00	\$2,994.00
12/09	45	11006079	31128-US-116	2203	\$150.00	\$2,844.00
12/09	200	10945507	31158-UT	8007	\$20.00	\$2,824.00
12/09	240	PCT/US04/40457	31955-PCT	1702	\$660.00	\$2,164.00
12/09	242	PCT/US04/40457	31955-PCT	8007	\$40.00	\$2,124.00
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12/15	20	78239560	31508-1701	7403	\$100.00	\$1,964.00
12/15	1388	78239560	31508-1701	7002	\$100.00	\$1,864.00
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12/16	102	10401479	7004-9601	2501	\$15.00	\$3,123.00
12/16	673	60477509	31719-1001-UT	8021	\$40.00	\$3,083.00
12/16	674	10864210	31719-1001-UT	8021	\$40.00	\$3,043.00
12/16	675	PCT/US04/27059	31719-1001-UT	8021	\$40.00	\$3,003.00
12/17	406	PCT/US04/41522	31706-1001-PCT	1702	\$492.00	\$2,511.00

12/17	408	PCT/US04/41522	31706-1001-PCT	1703	\$168.00	\$2,343.00
12/17	409	PCT/US04/41522	31706-1001-PCT	8007	\$40.00	\$2,303.00
12/20	7	5635054	,	1552	\$1,075.00	\$1,228.00
12/20	18	10910740	30822-US-2-CIP	2202	\$18.00	\$1,210.00
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12/20	277	76159087	31011-1001	7003	\$100.00	\$3,010.00
12/21	650	60624089	37000-0419	8021	\$40.00	\$2,970.00
12/22	50	10796329		9204	-\$108.00	\$3,078.00
12/22	81	10043006	37000UTO101	2202	-\$72.00	\$3,150.00
12/22	124	10761889	70025-9902	8021	\$80.00	\$3,070.00
12/22	253	60619855	32008-1001	8021	\$40.00	\$3,030.00
12/22	590	78536554	31908-1001	7001	\$335.00	\$2,695.00
12/23	534	10861005		8021	\$40.00	\$2,655.00
12/27	42	E-REPLENISHMENT		9203	-\$1,100.00	\$3,755.00
12/27	298	78537949	31595-1001	7001	\$335.00	\$3,420.00
12/27	739	78538263		7001	\$335.00	\$3,085.00
12/27	740	78538265	31908-1001	7001	\$335.00	\$2,750.00
12/27	743	78538268	31908-1001	7001	\$335.00	\$2,415.00
12/27	745	78538270	31908-1001	7001	\$335.00	\$2,080.00
12/29	54	US0411083	31162-1011	8021	\$40.00	\$2,040.00
12/29	104	60566714		8021	\$40.00	\$2,000.00
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$1,578.00	\$8,228.00	\$8,650.00	\$2,000.00	

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